



MEMO ENDORSED

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VIA ECF

Hon. Valerie E. Caproni
United States District Judge
40 Foley Square
New York, NY 10007

USDC SDNY
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January 30, 2023

Re: Toro v. DVine Gourmet, LLC
Case No. 1:22-cv-7588-VEC- Motion for Adjournment of Conference

Dear Judge Woods:

Plaintiff submits this letter-motion to seek an adjournment of the initial pretrial conference, currently scheduled for February 3, 2023. Defendant has not appeared herein, nor has Defendant contacted Plaintiff regarding the suit. As such, Plaintiff requests a thirty-day adjournment of the initial pretrial conference to March 3, 2023. Plaintiff will attempt to contact Defendant leading up to the conference date. If Defendant still fails to respond, Plaintiff will seek a default judgment, in accordance with Your Honor's individual rules. This is the first time this relief is being sought.

We thank the Court for its consideration of this matter.

Respectfully submitted,

MARS KHAIMOV LAW, PLLC

/s/ Mars Khaimov
Mars Khaimov, Esq.

Attorneys for Plaintiff

Application GRANTED in part. The Initial Pretrial Conference, scheduled for February 3, 2023, is hereby CANCELLED. The Defendant's deadline to answer or otherwise respond remains **February 3, 2023**. Plaintiff is directed to serve a copy of this order on Defendant and file proof of service by no later than **February 1, 2023**. Plaintiff must also file proof of having served Defendant with a copy of Plaintiff's Amended Complaint, Dkt. 12, by no later than **February 1, 2023**. If Defendant does not appear or respond by February 3, 2023, then Plaintiff must move for default judgment by no later than **February 10, 2023**.

SO ORDERED.

Date: 1/31/2023

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE

